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June 17, 1952

Honorable Dan A. Kimball
Secretary of the Navy
Washington 25, D. C.

My dear Mr. Secretary:

I have examined the title evidence and transcript of record in the condemnation proceeding entitled United States v. 168.59 acres of land in Hudson County, New Jersey, and Federal Shipbuilding and Dry Dock Company, et al., Civil No. 11941, in the United States District Court, District of New Jersey, instituted in connection with the Naval Industrial Reserve Shipyard at Kearny, New Jersey.

The land is more fully described in the final judgment enclosed. The title evidence was prepared by the New Jersey Realty Title Insurance Company and the final certificate is in satisfactory form.

In the final judgment dated July 5, 1950, it is determined that the just compensation for the land is the sum of \$2,375,000.00, which amount has been deposited into the registry of the court. The proceeding has been regularly conducted, the judgment is satisfied and a valid title to the land and property taken has heretofore vested in the United States of America as stated in the opinion of this Department dated January 5, 1949.

Enclosed are the transcript of record, a copy of the final judgment, and title evidence.

Sincerely yours,

James P. Mc Graw
Attorney General

C31-72-Ke

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA,)

Petitioner,)

vs.)

Civil No. 11941

168.59 Acres of land, more or
less, in Hudson County, New
Jersey, Federal Shipbuilding
and Dry Dock Company, etc.,)

Defendants.)

FINAL JUDGMENT

Filed - July 5, 1950

On motion of Alfred E. Modarelli, United States Attorney, and Robert W. Monerief, this proceeding having come on to be heard before the undersigned Judge, the Court finds the following facts:

1. That this is a suit of a civil nature, brought by the above-named petitioner under the authority of and in accordance with the Acts of Congress approved August 1, 1886 (25 Stat., 357, U.S.C., Title 40, Sec. 257), June 23, 1940 (Public Law 671, 76th Congress), January 29, 1942 (Public Law 420, 77th Congress), and February 7, 1942 (Public Law 441, 77th Congress, and under the further authority of the Act of Congress approved February 26, 1931 (46 Stat. 1421, 40 U.S.C. sec. 256a).

2. That the Secretary of the Navy has found and determined that it is necessary and advantageous to acquire the lands and property hereinafter described to provide facilities for Naval Industrial Reserve Shipyard at Kearny, New Jersey and for related purposes and other uses incident thereto, and for such other uses as may be authorized by Congress or by Executive Order, and that funds to pay just compensation for the lands and property are available when needed.

3. That the purposes for which the petitioner is taking said lands and property are necessary and constitute a public

use, and the use to which said property is to be applied is a use authorized by law, and that acquisition of said lands by the petitioner is and will be of the greatest public benefit.

4. That all parties interested directly or indirectly in the lands hereinafter described, have entered their appearance herein, and the said lands and property together with all claimants and parties interested therein are within the jurisdiction of this Court, which has power and authority to enter this judgment.

5. That the lands and property to be taken and condemned in this proceeding aggregate 168.59 acres of land, more or less, in Hudson County, New Jersey, together with the improvements located thereon, except improvements owned by the United States of America, which lands are more particularly described in Schedule C annexed hereto and made a part hereof, and are delineated on map revised December 3, 1948, F.S. & D.D. Co., Plan No. P.E. 1977, entitled "Plot Plan of Property of Federal Shipbuilding & Dry Dock Co., Kearny, N.J.," attached to the Declaration of Taking filed herein, together with easements described in Schedule B annexed hereto and made a part hereof, over and across the lands described in Schedule D annexed hereto and made a part hereof, and delineated on the above-mentioned map, together with the improvements, machinery and equipment more particularly described in an exhibit annexed to the Declaration of Taking filed herein, and together with spare parts not in stores or inventories.

6. That the estate or interest in or to said lands and property hereinbefore described which the petitioner intends and seeks to take, acquire, condemn, hold and own by this proceeding is more particularly set forth in Schedule B annexed hereto and made a part hereof.

7. That on December 31, 1948, the date of the filing of the Declaration of Taking herein, Federal Shipbuilding and

Dry Dock Company was the owner in fee simple absolute of the lands and property taken, except for the right, title or interest of the State of New Jersey, for which compensation has been paid herein.

8. That by stipulation and agreement filed herein Federal Shipbuilding and Dry Dock Company stipulated and agreed that the sum of Two Million, Three Hundred and Seventy-Five Thousand (\$2,375,000.00) Dollars represents the full, just and complete compensation for the lands and property taken.

I T I S, THEREFORE, O R D E R E D, ADJUDGED and DECREED that the said sum of Two Million, Three Hundred and Seventy-Five Thousand (\$2,375,000.00) Dollars is the full, just and complete compensation for the lands and property taken, and that the title to 168.59 acres of land, more or less, in Hudson County, New Jersey, together with the improvements located thereon, except improvements owned by the United States of America, which lands are more particularly described in Schedule C annexed hereto and made a part hereof, and are delineated on map revised December 8, 1948, F.S. & D.D. Co., Plan No. P.E. 1977, entitled "Plot Plan of Property of Federal Shipbuilding & Dry Dock Co., Kearny, N.J.," attached to the Declaration of Taking filed herein, together with easements described in Schedule B annexed hereto and made a part hereof, over and across the lands described in Schedule D annexed hereto and made a part hereof, and delineated on the above-mentioned map, together with the improvements, machinery and equipment more particularly described in an exhibit annexed to the Declaration of Taking filed herein, and together with spare parts not in stores or inventories, vested in the United States of America in accordance with Schedule B annexed hereto and made a part hereof, and divested out of all other persons.

D O N E in open Court this 5th day of
July, 1950.

Wm. L. Fink
UNITED STATES DISTRICT JUDGE

SCHEDULE B

The estate taken in the lands and improvements thereon described in Schedule C is the **FEE SIMPLE TITLE, TOGETHER** with all and singular the roads, streets, ways, alleyways, passages, waters and water courses running through, under or over the said lands, and the riparian rights belonging and appertaining to the said lands, **SUBJECT TO THE FOLLOWING:**

1. **SUBJECT** to Workmen's Compensation judgments against the Federal Shipbuilding and Dry Dock Company which constitute liens against the property taken by the declaration of taking.
2. **SUBJECT** to the Grant of a right of way for water pipe lines by Passaic Zinc Company to Turner A. Beall dated October 3, 1895, and recorded in Deed Book 662, page 534, and conveyed to the New York and New Jersey Water Company by deed dated February 24, 1897, and recorded in Deed Book 667, page 210.
3. **SUBJECT** to the License for a right of way for a water main by Morris Canal & Banking Company and the Lehigh Valley Railroad Company to the New York and New Jersey Water Company, dated March 7, 1896, and recorded in Book 662, page 537.
4. **SUBJECT** to the terms and provisions of the Agreement between the Central Railroad Company of New Jersey and Federal Shipbuilding Company for easements for the construction of certain facilities, dated February 19, 1918, and recorded March 16, 1918, in Deed Book 1275, page 312.
5. **SUBJECT** to the terms and provisions of the Agreement between the United New Jersey Railroad and Canal Company and Newark Factory Sites, Inc., releasing easements, dated February 19, 1918, and recorded March 16, 1918, in Deed Book 1275, page 285.
6. **SUBJECT** to the Grant of the right to lay water pipe lines upon a right of way 20 feet in width by Blast Furnace Products Corporation to the Mayor and Common Council of Bayonne, N.J., dated November 15, 1918, and recorded Nov. 15, 1918, in Deed Book 1294, page 229.
7. **SUBJECT** to the Right of Way Agreement between Blast Furnace Products Corporation and the City of Bayonne, N.J., dated January 6, 1921.
8. **SUBJECT** to a Grant of the right to construct water pipe lines by Federal Shipbuilding Company to the Mayor and Council of the City of Bayonne, N.J., dated November 18, 1918, and recorded in Deed Book 1290, page 633.
9. **SUBJECT** to an Easement or Right of Way which is hereby saved and reserved to Federal Shipbuilding and Dry Dock Company, its successors and assigns, over the roadway and sidewalk constituting the main entrance to the lands described in Schedule C, leading from the driveway on the southerly side of the lands retained by Federal Shipbuilding and Dry Dock Company to the Lincoln Highway, such easement to be used by Federal Shipbuilding and Dry Dock Company, its successors and assigns, and its and their agents, servants, employees and persons lawfully having business with it or them, in common with the United States, its successors and assigns, for the purpose of providing ingress and egress, on foot and in vehicles, to and from the lands and premises retained by Federal Shipbuilding and Dry Dock Company.

10. SUBJECT to easements, which are hereby saved and reserved to Federal Shipbuilding and Dry Dock Company, its successors and assigns, for existing storm drains originating on lands retained by Federal Shipbuilding and Dry Dock Company, and for the existing sanitary sewer outlet and drainage field from the septic tank located on lands retained by Federal Shipbuilding and Dry Dock Company, which storm drains, sewer outlet and drainage field run in a general northeasterly direction through the lands described in the attached Schedule C to the north wet basin.

And the estate hereby taken in the lands described in the annexed Schedule D is an EASEMENT for the full and free right to at all times construct, maintain, replace, alter, repair and use such wires, pipes, conduits, sewers, industrial track bridges, tunnels and cranes across the lands described in Schedule D, together with the right to erect, maintain, replace, alter, repair and use all necessary supports for any such overhead or underground construction over the lands described in the attached Schedule D, both above grade and under grade, but not at grade, as may be reasonably required.

TOGETHER with all the right, title, interest and rights of reverter of the Federal Shipbuilding and Dry Dock Company in and to the lands and premises described in the deed from Federal Shipbuilding and Dry Dock Company to the Central Railroad Company of New Jersey for a railroad right of way, dated February 19, 1918, and recorded in the office of the Register of Hudson County, New Jersey, in Book 1275 of Deeds, page 309;

TOGETHER with an Easement or Right of Way over the driveway leading from the parking area on the lands described in Schedule C to the Lincoln Highway over lands retained by Federal Shipbuilding and Dry Dock Company, and lying west of its office building, as shown on map dated May 27, 1948, entitled "Survey at Kearny, N.J., for Federal Shipbuilding & Dry Dock Co.", attached to the Declaration of Taking filed herein, such easement or right of way to be used in common with Federal Shipbuilding and Dry Dock Company, its successors and assigns, for the purpose of providing ingress and egress to vehicular traffic only to and from the lands described in Schedule C, in cases of emergency or whenever the volume of vehicular traffic to or from the said lands shall be greater than can be accommodated by the main entrance to said lands so as to necessitate the use of such

...ment or right of way as a relief route;

TOGETHER with Easements for the existing Storm Drains originating on the aforesaid parking area and four-story brick building adjacent thereto known as the office annex, located on lands described in Schedule C and running in a general northerly and northeasterly direction through lands retained by Federal Shipbuilding and Dry Dock Company, as shown on map entitled "Survey at Kearny, N.J., for Federal Shipbuilding & Dry Dock Co." annexed to the Declaration of Taking filed herein; and

TOGETHER with an Easement for the purpose of discharging sewage into the septic tank located on lands retained by Federal Shipbuilding and Dry Dock Company, as shown on map entitled "Survey at Kearny, N.J., for Federal Shipbuilding & Dry Dock Co." annexed to the Declaration of Taking filed herein, from the main gate house and said office annex on the lands described in Schedule C, through the existing sanitary sewers originating in said buildings.

TOGETHER with all of the right, title and interest in and to the improvements, machinery, equipment and spare parts not in stores or in inventories and to the improvements, machinery and equipment described and listed in an exhibit annexed to the Declaration of Taking.

SCHEDULE C

168.59 acres of land, more or less, in Hudson County, New Jersey, to be acquired in fee from Federal Shipbuilding and Dry Dock Company, Kearny, New Jersey, for Naval Industrial Reserve Shipyard at Kearny, N.J.

BEGINNING at a point in the southerly side line of Lincoln Highway at a distance of 1440.75 feet east of the center line of Central Avenue, called the point of beginning, and thence running

(1) along the southerly side line of the Lincoln Highway south 58 degrees 41 minutes 10 seconds east for a distance of 953.79 feet more or less to the intersection of the pierhead and bulkhead line with the southerly side line of Lincoln Highway; thence

(2) south 12 degrees 49 minutes west for a distance of 462.02 feet along the pierhead and bulkhead line; thence

(3) south 19 degrees 40 minutes west for a distance of 1192.00 feet along the pierhead and bulkhead line; thence

(4) south 42 degrees 15 minutes west for a distance of 706.00 feet along the pierhead and bulkhead line; thence

(5) south 59 degrees 4 minutes 35 seconds west for a distance of 1095.47 feet along the pierhead and bulkhead line to the intersection with the northerly boundary of the Central Railroad of New Jersey right-of-way; thence

(6) north 62 degrees 31 minutes 10 seconds west for a distance of 1,081.14 feet more or less along the northerly line of the Central Railroad of New Jersey right-of-way; thence

(7) north 50 degrees 47 minutes 30 seconds west for a distance of 482.41 feet; thence

(8) turning to the right on the arc of the circle with a radius of 457.02 feet for a distance of 654.92 feet; thence

(9) north 31 degrees 18 minutes 50 seconds east for a distance of 1977.06 feet; thence

(10) north 36 degrees 30 minutes 10 seconds east for a distance of 561.84 feet; thence

(11) south 58 degrees 41 minutes 10 seconds east for a distance of 206.39 feet more or less; thence

(12) south 31 degrees 18 minutes 50 seconds west for a distance of 105.73 feet; thence

(13) south 58 degrees 41 minutes 10 seconds east for a distance of 836.49 feet; thence

(14) north 31 degrees 18 minutes 50 seconds east for a distance of 90.74 feet; thence

(15) south 58 degrees 41 minutes 10 seconds east for a distance of 167.06 feet; and thence

(16) north 31 degrees 18 minutes 50 seconds east for a distance of 299.99 feet to the point or place of BEGINNING.

SCHEDULE D.

Description of EASEMENTS in Central Railroad of New Jersey right of way, shown on map entitled "Plot Plan of Property of Federal Shipbuilding & Dry Dock Co., Kearny, N.J." attached to the Declaration of Taking filed herein, to be acquired for Naval Industrial Reserve Shipyard at Kearny, N.J.

TRACT ONE:

BEGINNING at a point in the southeasterly line of Central Avenue distant southwesterly 1580 feet from its intersection with the southwesterly line of Lincoln Highway and from said point and place of beginning, running

- (1) south 31 degrees 18 minutes 50 seconds west along the said southeasterly line of Central Avenue 40 feet; thence
- (2) south 58 degrees 41 minutes 10 seconds east 130 feet to the northwesterly line of premises hereinabove described; thence
- (3) north 31 degrees 18 minutes 50 seconds east 40 feet; and thence
- (4) north 58 degrees 41 minutes 10 seconds west 130 feet to the point and place of BEGINNING.

TRACT TWO:

BEGINNING at a point in the southeasterly line of Central Avenue distant southwesterly 2580 feet from its intersection with the southwesterly line of Lincoln Highway and from said point and place of beginning, running

- (1) south 31 degrees 18 minutes 50 seconds west along the said southeasterly line of Central Avenue 40 feet; thence
- (2) south 58 degrees 41 minutes 10 seconds east 130 feet to the northwesterly line of premises hereinabove described; thence
- (3) north 31 degrees 18 minutes 50 seconds east 40 feet; and thence
- (4) north 58 degrees 41 minutes 10 seconds west 130 feet to the point and place of BEGINNING.

Civil No. 11941

IN THE DISTRICT COURT OF THE
UNITED STATES
FOR THE DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA,

Petitioner,

vs.

103.59 Acres of land, more or
less, in Hudson County, New Jersey,
Federal Shipbuilding and Dry
Dock Company, etc., et al.,

Defendants.

FINAL JUDGMENT

Alfred E. Modarelli
United States Attorney
Federal Building
Newark 1, New Jersey

*Original Filed
Jul 5 1930
William H. Dallyn, Clerk*